

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No.—
Table of Allotments,)	RM _____
FM Broadcast Stations,)	
(Lincoln City and Monmouth, Oregon))	

To: Chief, Audio Division, Media Bureau

PETITION FOR RULEMAKING

Radio Beam, LLC ("Radio Beam"), licensee of radio station KSND(FM), Lincoln City, Oregon, by its attorneys, and pursuant to Section 1.420(i) of the Commission's rules, hereby submits a Petition For Rulemaking seeking to change the community of license of KSND(FM) from Lincoln City to Monmouth, Oregon. The proposed changes would result in a preferential arrangement of the allotments, would provide the city of Monmouth with its first local transmission service and would provide reception service to a net gain of more than 160,000 persons.

Radio Beam accordingly requests that the Commission issue a Notice of Proposed Rulemaking proposing to modify the FM Table of Allotments to delete Channel 236C2 at Lincoln City and add Channel 236C3 at Monmouth. Radio Beam will file an application for Channel 236C3 at Monmouth if the channel is allotted to that community.

DISCUSSION

Under Section 1.420(i) of the Commission's rules and the Commission's community of license change policies, the Commission may modify a station's license to specify a new

List 10/20/02
236C3
MB

community of license without affording interested parties an opportunity to file competing expressions of interest if (a) the proposed community of license is an identifiable community; (b) the new allotment would be mutually exclusive with the old allotment; (c) looking at the totality of factors, the new allotment would result in a preferential arrangement of allotments; and (d) the relocation would not deprive a community of its sole local transmission outlet. *See Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989) (“*Community & License Change Order*”), recon. granted in part. 5 FCC Rcd 7094 (1990) (“*Community Recon Order*”); *LaGrange and Rollingwood, Texas*, 10 FCC Rcd 3331 (1995). The community of license change proposed by Radio Beam would satisfy all of these criteria.

I. Monmouth Is A Community Deserving Of An FM Channel Allotment.

Monmouth, Oregon, is an incorporated city with a population of 7,741 persons according to the 2000 US Census.¹ Located in central Polk County, Monmouth, which was incorporated in 1880, has its own Zip Code (97361), post office, library and university (Western Oregon University). Monmouth is governed by a Mayor and a six-member City Council. Other prominent city officials include a City Manager, Finance Director, municipal judge, City Recorder, Power & Light Director, Public Works Director, Parks & Recreation Director and an eight-member Planning Commission that regulates local building codes. Monmouth is served by its own local fire and police departments, and its own water system.

Monmouth residents support at least fourteen churches, two banks, a savings and loan, seven doctors, seven dentists, two senior citizens’ facilities, two public libraries and Central School District 13-J, which oversees four elementary schools, a middle school and a high school. Monmouth is also the home to Western Oregon University, with an enrollment of approximately

¹ Lincoln City, KSND(FM)’s current community of license, has a population of 7,437 persons.

4,300 students and which is a national leader in teacher education. Western Oregon University also offers a notable liberal arts program in such disciplines as computer science, business, law enforcement psychology, the arts and mathematics. Additionally, Monmouth is home to a lumber yard, a cabinet making business, a kennel, animal clinic and a veterinary hospital, and myriad retail establishments.

The Commission has allotted channels to numerous communities with smaller populations and fewer services than Monmouth. *See Beaver Dam and Brownsville, Kentucky*, 1998 FCC LEXIS 4585, DA 98-1724 (rel. Sept. 4, 1998) (allotting channel to Brownsville, population 897); *Canton and Glasford, Illinois*, 1998 FCC LEXIS 4584, DA 98-1723 (rel. Sept. 4, 1998) (allotting channel to Glasford, population 1,115). Indeed, in allotting a channel to Ore City, Texas, population 898, the Commission stressed that Ore City was “clearly” a definable community for allotment purposes and was deserving of its own channel despite its size. *Daingerfield and Ore City, Texas*, 1998 FCC LEXIS 5493, DA 98-2136 (rel. Oct. 23, 1998). Under these circumstances, Monmouth is unquestionably a community and is entitled to its first local transmission service.

II. The New Allotment Is Mutually Exclusive With The Existing Allotment.

KSND(FM) is licensed to operate on channel 236C2 (95.1 MHz) at Lincoln City. Radio Beam proposes to add Channel 236C3 at Monmouth and delete Channel 236C2 Lincoln City, with a corresponding change in transmitter site. Channel 236C3 can be allotted to Monmouth in conformity with the minimum spacing requirements of Section 73.207(a) of the Commission’s rules. *See* Engineering Statement of Hatfield & Dawson Consulting Engineers, at page 1 (Attached as Exhibit A). However, the minimum required spacing between co-channel C3 and C2 stations under the Commission’s rules is 177 kilometers (110 miles). *See* 47 C.F.R. §73.207(a). Because Monmouth is located only 63 kilometers (39 miles) east-southeast of

Lincoln City, the new allotment, if fully-spaced, would be mutually exclusive with the existing allotment. Engineering Statement at 1-2.

If licensed to Monmouth, KSND(FM) proposes to operate from an antenna structure site approximately 21 kilometers (13.02 miles) from Monmouth. *See* Engineering Statement at 1. From this site, KSND(FM) would comply with Sections 73.315 of the rules, providing principal community contour (70 dBu) coverage to Monmouth. *See* Engineering Statement at 4.

Monmouth is not located within any census-designated Urbanized Area. From the proposed transmitter site in Monmouth, KSND(FM)'s predicted 3.16 mV/in (70 dBu) contour would not encompass any Urbanized Area, (i.e., no 70 dBu coverage provided to the nearby Salem Urbanized Area). *See* Engineering Statement at 4. Because KSND(FM) would not be within an Urbanized Area or cover more than 50% of an Urbanized Area with its 3.16 mV/in contour, no "Tuck" analysis is required. *See Headland, Alabama, and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995), *citing Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988).

111. The Proposed Change Would Result In A Preferential Arrangement Of Allotments.

There are no radio or television stations licensed to Monmouth, and KSND(FM) would be the community's first local transmission service. Conversely, three full-service radio stations are currently licensed to Lincoln City: KSND(FM), KCRF-FM and KBCH(AM). There is also an existing FM translator station licensed to Lincoln City as well as pending construction permit applications for a new FM station and a new low power television station.

Deleting Channel 236C2 in Lincoln City and adding Channel 236C3 in Monmouth therefore will result in a preferential arrangement of allotments.³ Retaining the 236C2 allotment

The reference coordinates for the Monmouth allotment are NL 44-50-43, WL 123-30-07

³ The Commission's allotment priorities are (1) First full-time aural service; (2) Second full-time aural service; (3) first local service; and (4) Other public interest matters. Equal weight is given to priorities (2) and (3).

at Lincoln City would serve only priority (4), other public interest matters, while allotting Channel 236C3 to Monmouth would serve priority (3) by permitting the addition of a first local transmission service in Monmouth.

The public interest benefits from granting Monmouth its first local transmission service far outweigh any benefits of retaining Channel 236C2 in Lincoln City. KSND(FM)'s current predicted 1 mV/in (60 dBu) service contour encompasses 4,281 square kilometers (1652 square miles), land only, and approximately 51,814 residents.⁴ From Monmouth, KSND(FM)'s predicted 1 mV/in service contour would encompass 4,808 square kilometers (1,856 square miles) and 216,153 persons, a net gain of 164,339 persons. Engineering Statement at 2. This net service gain is larger than previous community of license change petitions approved by the Commission and warrants consideration of this Petition. See *Palestine and Frankston, Texas*, DA 99-538 (rel. April 2, 1999) (approving community of license change where net service gain was 161,922 persons)

The Commission's traditional concern with removing existing service from a community, *Community Recon Order*, 5 FCC Rcd at 7097, should be allayed here because Lincoln City will retain two full-time local transmission services: KCRF-FM and KBCH(AM). Additionally, four stations will continue to cover 100% of the loss area: KCRF-FM, KSHL-FM, KPPT-FM and KYTE-FM. Further, service by additional stations that cover portions of the loss area will ensure that the entire area will continue to receive aural service from at least five stations and will therefore be "well-served". See *LaGrange and Rollingwood, Texas*, 10 FCC Rcd 3337 (1995)

Community of License Change Order, 4 FCC Rcd at 4876, fn 8

⁴ KSND(FM)'s current service area on Channel 236C2 at Lincoln City puts approximately half of its 60 dBu contour over the Pacific Ocean.

⁵ As the Engineering Statement shows, 19 additional FM stations provide service to portions of the loss area, and two of those—KTIL-FM and KRKT-FM—together cover 100% of the loss area. Obviously, since no part of

(a community is “well-served” if it receives at least live aural services); Engineering Statement at 3.

CONCLUSION

Monmouth, Oregon, is an incorporated city of 7,741 residents deserving of a first local transmission service. By relocating to Monmouth, Radio Beam proposes a net service gain of just over 160,000 persons. The new allotment is mutually exclusive with KSND(FM)’s existing facilities in Lincoln City and would result in a preferential arrangement of the allotments. Finally 100% of the persons currently receiving predicted service from KSND(FM) would remain well-served by other existing services.

Accordingly, the Commission should delete Channel 236C2 at Lincoln City and add Channel 236C3 at Monmouth as set forth below:

Community	Channel Number	
	Present	Proposed
Lincoln City, Oregon	236C2, 244C2	244C2
Monmouth, Oregon	----	236C3

the loss area will be underserved, it follows that no “white” or “gray” area **will** be created.

Respectfully submitted,

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ENGINEERING STATEMENT

**PETITION FOR RULEMAKING TO
AMEND SECTION 73.202 OF THE RULES
AND REGULATIONS FOR THE FEDERAL
COMMUNICATIONS COMMISSION**

**TO ASSIGN FM CHANNEL 236C3
FOR USE AT MONMOUTH, OREGON**

RADIO BEAM, LLC

1112002

Engineering Statement

This Engineering Statement has been prepared on behalf of Radio Beam, LLC ("Radio Beam"), licensee of station KSND 23602 Lincoln City, Oregon, in support of a Petition for Rulemaking to amend §73.202 of the Commission's Rules to substitute Channel 23603 for Channel 23602 at Lincoln City, reallocate Channel 236C3 to Monmouth, Oregon, and modify the license of KSND to specify operation on Channel 236C3 at Monmouth.

The proposed reallocation plan will provide several benefits:

- 1) Monmouth, an incorporated city with a 2000 Census population of 7,741 persons, will receive its first local service.
- 2) A total of 203,770 persons will receive an additional aural service.
- 3) In accommodating the benefits listed above, no white, gray, or underserved areas will be created.

Channel **236C3** at Monmouth

As outlined in the attached channel study, Channel 236C3 can be assigned for use at Monmouth in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, using an allotment site at NL 44° 50' 43" x WL 123° 30' 07". This site is 21 kilometers from Monmouth, the coordinates of which are NL 44° 50' 55" x WL 123° 13' 58". The nominal distance to the 70 dBu F(50,50) contour for a Class C3

Hattfield & Dawson Consulting Engineers

station is 23.2 kilometers. Therefore (and as further demonstrated by the attached map exhibits), this site will provide greater than 70 dBu coverage for all of Monmouth.

The proposed allotment of Channel 236C3 at Monmouth will provide the first local service to that community. Lincoln City will retain full-time local service from stations KCRF Channel 244C1 and KBCH 1400 kHz.

Gain and Loss Areas

The reallocation of Channel 236C2 at Lincoln City to Channel 236C3 at Monmouth will involve a transmitter site change. The gain area will encompass 2,161 km² and a 2000 Census population of 203,770 persons. The loss area will encompass 1,634 km² and a 2000 Census population of 39,431 persons. The following table and attached map exhibit depict the gain and loss areas associated with this proposal.

Channel	Area and Population Served	
Lincoln City 236C2	4,281 km ² (land area only)	51,814 persons
Monmouth 236C3	4,808 km ²	216,153 persons
Common Area	2,647 km ²	12,383 persons
Gain Area	2,161 km ²	203,770 persons

KRKT-FM	260C0	Albany
KFLY-FM	268C0	Corvallis
KEHK-FM	272C1	Brownsville
KXPC-FM	279C	Lebanon
KDUK-FM	284C	Florence
KDEP-FM	288C3	Depoe Bay
KLOO-FM	292C	Corvallis
KHPE-FM	300C	Albany

Additional service to the loss area is provided by several AM stations. A list of those stations can be provided should the Commission so require.

The proposed reallocation plan will not provide additional service to any presently white, gray, or underserved areas. All of the gain area is presently well-served, receiving at least five aural services.

Tuck Analysis

Monmouth is not located within any Urbanized Area, and the allotment of Channel 236C3 at Monmouth will not provide 70 dBu service to any Urbanized Area, including the nearby Salem Urbanized Area. Based upon these circumstances, no "Tuck" analysis is believed to be required in support of the proposed reallocation plan.

SEAPCH PARAMETERS

FM Database Date: 021106

Page 1

Channel: 236C3 95.1 MHz
 Latitude: 44 50 43
 Longitude: 123 30 7
 Safety Zone: 32 km
 Job Title: MONMOUTH 236C3 ALLOTMENT SITE

Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
KMGE LIC	EUGENE OR	BLH 970925KE	233C1 94.5	49.000 396.0	44-00-04 123-06-45	161.6	98.80 22.80	76 CLEAR
KPIE LP LIC	DALLAS OR	BLH-020923AAJ	234L1 94.7	0.100 19.2	44-52-54 123-24-06	62.9	6.90 0.00	0 LPFM
KCBZ CP MOD	CANNON BEACH OR	BMPH 010208AAV	235C3 94.9	1.700 378.0	45-57-27 123-50-01	348.3 SS	126.31 21.31	99 CLEAR
KCBZ CP	CANNON BEACH OR	BPH-020227ACX	235C3 94.9	16.000 107.0	45-56-44 123-57-04	344.2 SS	121.24 26.24	99 CLEAR
KRAD-LP CP	MILLERSBURG OR	BNPL-010615BDY	235L1 54.9	0.010 78.8	44-39-03 123-00-59	119.2	44.11 0.00	0 LPFM
KSND LIC	LINCOLN CITY OR	BLH-950403KE	236C2 95.1	6.000 258.0	44-45-24 124-02-53	257.3 SS	44.32 -132.68	177 SHORT
KMJZ-FM LIC	PRINEVILLE OK	BLH 850916KA	236C1 95.1	100.000 144.0	44-18-32 120-55-47	105.4	212.82 1.62	211 CLOSE
KUJZ LIC	CKESWELL OK	BLH-920331KC	237C3 31.3	0.630 366.0	44-00-04 123-06-45	161.6 SS	98.80 -0.20	99 SHORT
KXJMaux LIC	PORTLAND OR	BLH 981023KC	238C 95.5	40.000 309.0	45-29-20 122-41-40	41.2	95.64 0.00	0 AUX
KXJM LIC	PORTLAND OR	BLH-980901KC	238C 95.5	100.000 386.0	45-29-20 122-41-40	41.2	95.64 -0.36	96 SHORT

===== END OF FM SPACING STUDY FOR CHANNEL 236

The proposed reallocation plan will not result in the creation of any white or gray areas. Each of the following stations provides 60 dBu service to 100% of the loss area¹

KCRF-FM	244C1	Lincoln City
KSHL-FM	248C2	Gleneden Beach
KPPT-FM	264C2	Toledo
KYTE-FM	274C1	Newport

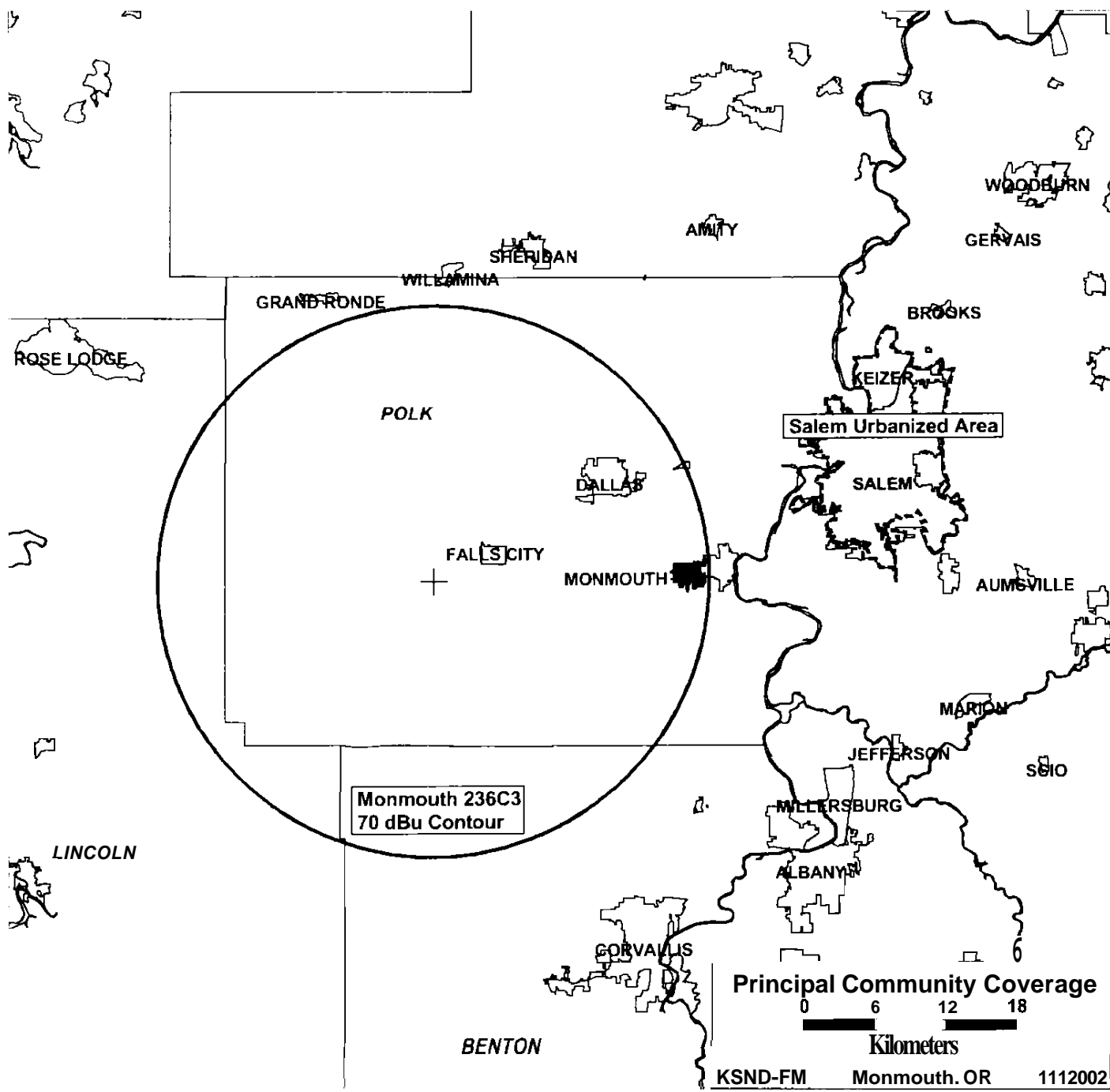
(Note that these four stations are all located at the same transmitter site as the present operation of KSND.)

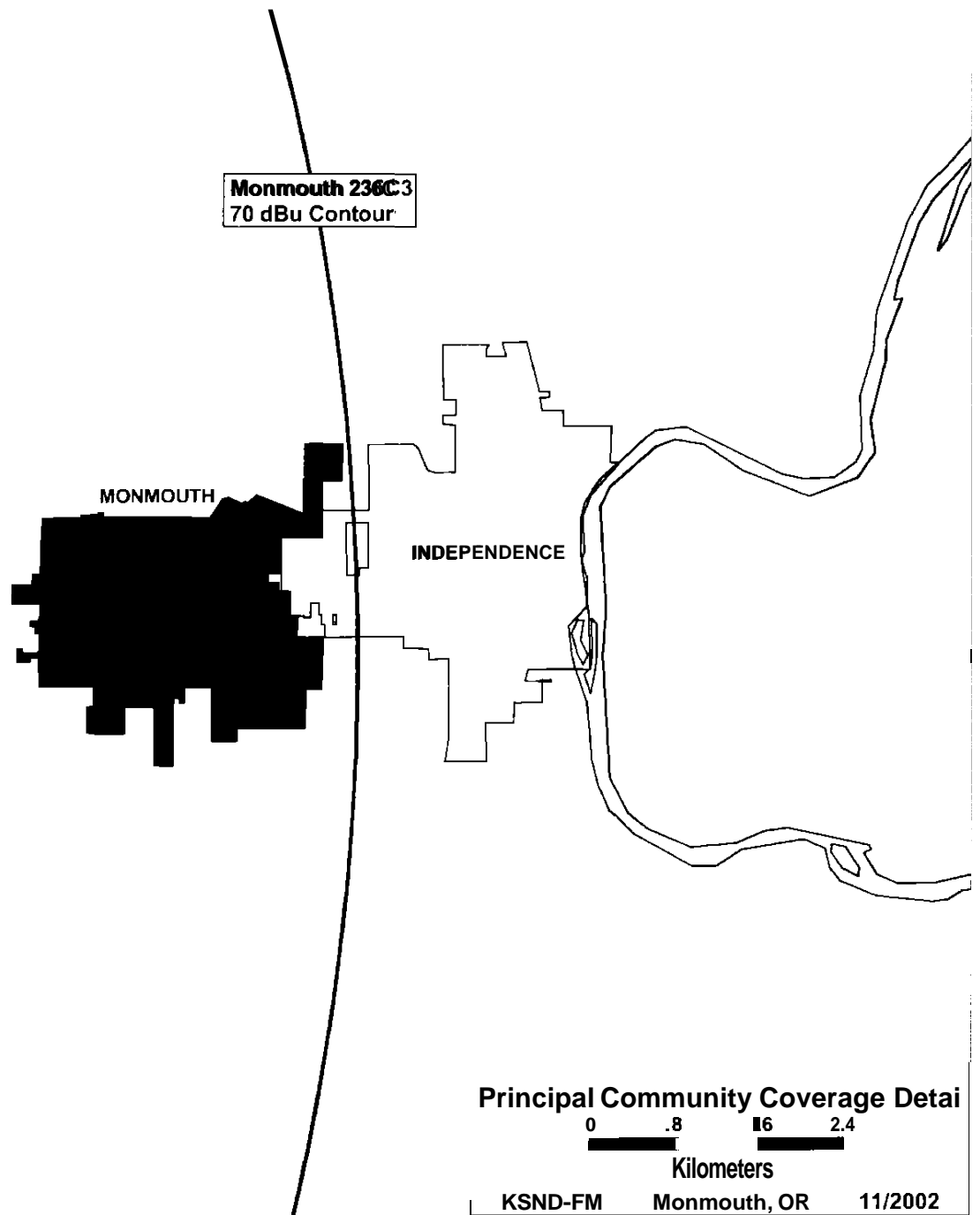
Neither will the proposed reallocation plan result in the creation of any underserved areas. The entire loss area will continue to receive aural service from at least five stations. In addition to the four stations listed above, service to the loss area is provided by 19 FM stations:²

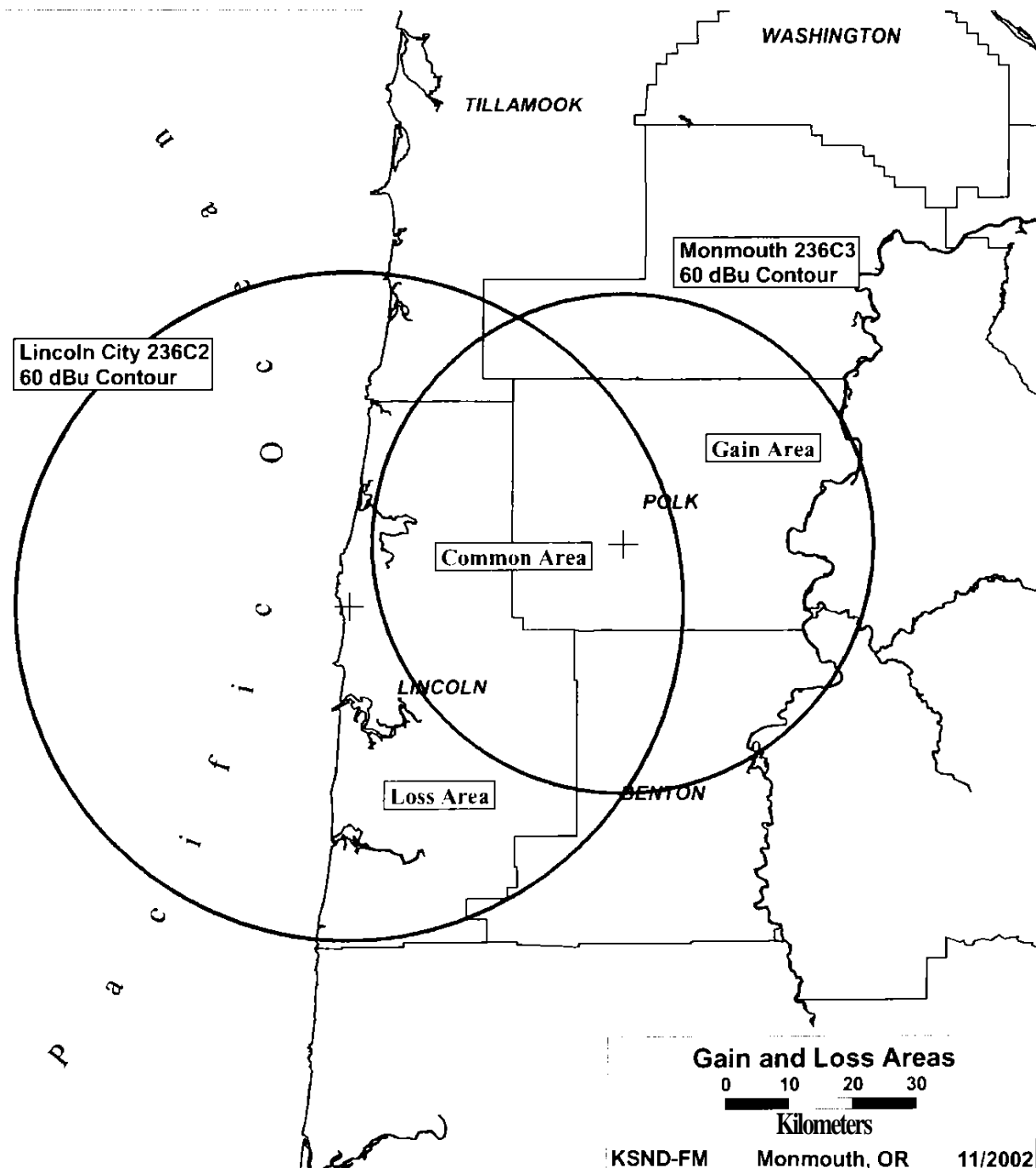
KLCC-FM	209C	Eugene
KLCO-FM	213C3	Newport
KWAX-FM	216C1	Eugene
KRRA-FM	217A	Newport
KNCU-FM	224C3	Newport
KKNU-FM	226C	Springfield-Eugene
KTIL-FM	231C3	Tillamook
KMGE-FM	233C1	Eugene
KZEL-FM	241C	Eugene
KNRQ-FM	250C	Eugene
KODZ-FM	256C	Eugene

¹In determining reception service provided by FM stations, the area of service circumscribed by the station's 1.0 mV/m signal contour was considered, assuming 1) actual facilities for non-commercial stations operating on reserved channels, 2) maximum facilities for the class of station for stations (other than Class C stations) operating on non-reserved channels, and 3) minimum or existing Class C facilities, whichever is greater, for Class C stations. For clear channel Class A AM stations, the service area was defined by the station's 0.5 mV/m groundwave contour, based on its licensed facilities. For all other classes of full-time AM stations, reception service was defined as that service received within a station's nighttime interference-free contour.

²The simple combination of the contours of stations KTIL-FM and KRKT-FM (in addition to the contours of the four stations which each provide service to 100% of the loss area) ensures that 100% of the loss area is left with at least five services.



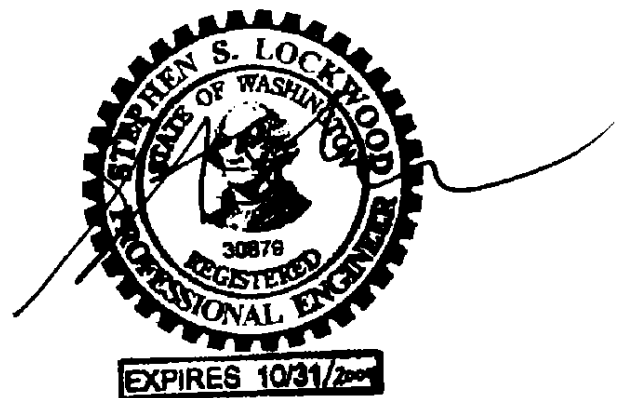




Statement of Engineer

This Engineering Statement, supporting a Petition for Rulemaking to revise the Table of Allotments at Monrnouth and Lincoln City, Oregon, has been prepared by Erik C. Swanson, EIT, under my direct supervision. All representations herein are true to the **best** of my knowledge. I am an experienced radio engineer whose qualifications are a matter of record with the Federal Communications Commission. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the States of Washington and Alaska.

Signed this 15th day of November, 2002.



Stephen S. Lockwood. P.E

Hattfield & Dawson Consulting Engineers